

THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

SCIELE PHARMA, INC., et al.,

Plaintiffs,

v.

LUPIN, LTD, et al.,

Defendants.

Civil No. 09-37 (RBK/JS)

O R D E R

IT IS HEREBY ORDERED this 4th day of January, 2013, that the depositions listed in the attached letter shall be deemed to be Court Ordered and shall not be postponed absent leave of court with a demonstration of good cause.

s/ Joel Schneider

JOEL SCHNEIDER

United States Magistrate Judge



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December 20, 2012

FILED ELECTRONICALLY
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The Honorable Joel Schneider
United States District Court for the District of New Jersey
Mitchell H. Cohen Building and U.S. Courthouse
4th & Cooper Streets, Room 1050
Camden, New Jersey 08101

Re: *Sciele Pharma. Inc. et al. v. Lupin Ltd. et al.*, C.A. No. 09-037-RBK-JS

Dear Judge Schneider:

On behalf of all parties and in accordance with the Court's order of November 30, 2012, we are pleased to inform the Court that the parties have agreed on the following deposition schedule:

Jan 3 – Tykot in Parsippany, NJ
Jan 4 – Boyer in Parsippany, NJ
Jan 8 – Martin in Morgantown, WV
Jan 10 – Tokich in New York, NY
Jan 11 – Talton in Morgantown, WV
Jan 30 – Sands in Baltimore, MD
Feb 6 – Bhadauria in Plantation, FL
Feb 7 – Vaughn in Plantation, FL
Feb 7 – Melloy in New York, NY
Feb 11 – Cheng in Philadelphia, PA
Feb 13 – Goddard in Morgantown, WV
Feb 20 – Hoffman in Chicago, IL
Feb 25 – Kasibhatta in New York, NY
Feb 26 – Cucchiaro in Ridgewood, Paramus, Teaneck or Hackensack, NJ
Feb 26 – Dalal in New York, NY
Feb 27 – Batheja (non-party) in New York, NY



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We would like to inform the Court of two outstanding issues: First, the parties are aware that Dr. Batheja's passport has expired and it may not be re-issued before February 28, 2012. Second, Andrx has not designated witnesses for some of the 30(b)(6) topics in Lupin's deposition notice, asserting in addition to its various objections to these topics that Lupin has waived those topics and that, in any event, they may be moot; Lupin maintains its objection to Andrx's refusal to designate witnesses.

Respectfully Submitted,

/s/ Stephen B. Brauerman

Stephen B. Brauerman (No. 4952)

SBB:cr

cc: Counsel of Record